

85TH CONGRESS
2D SESSION

S. 3163

IN THE SENATE OF THE UNITED STATES

JANUARY 28 (legislative day, JANUARY 27), 1958

Mr. SMITH of New Jersey (for himself, Mr. ALLOTT, Mr. BUSH, Mr. CASE of New Jersey, Mr. COOPER, Mr. IVEs, Mr. PAYNE, Mr. PURTELL, Mr. THYE, Mr. JAVITS, and Mr. WILEY) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To encourage and assist in the expansion and improvement of educational programs to meet critical national needs through the early identification of student aptitudes, strengthening of counseling and guidance services in public high schools, provision of scholarships for able students needing assistance to continue their education beyond high school; strengthening of science and mathematics instruction in the public schools; expansion of graduate programs in colleges and universities, including fellowships; improvement and expansion of modern foreign language teaching; improving State educational records and statistics; and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Educational Development
- 4 Act of 1958".

I—O

1 TITLE I—IDENTIFICATION OF APTITUDES AND
2 ENCOURAGEMENT OF ABLE STUDENTS

3 PART A—TESTING AND COUNSELING AND GUIDANCE
4 AUTHORIZATION OF APPROPRIATIONS

5 SEC. 101. There are hereby authorized to be appro-
6 priated for the fiscal year ending June 30, 1959, and each
7 of the three succeeding fiscal years, for grants to States
8 under this part, such sums as the Congress may determine.

9 ALLOTMENTS

10 SEC. 102. From the sums appropriated pursuant to
11 section 101 for any fiscal year, the Commissioner of Edu-
12 cation shall allot to each State an amount equal to \$1.25
13 multiplied by the number of students enrolled in grades 9,
14 10, 11, and 12 in public or other nonprofit schools in the
15 State. The remainder of such sums shall be allotted by the
16 Commissioner among the States on the basis of their rela-
17 tive numbers of students enrolled in grades 9, 10, 11, and
18 12 in public schools; except that if the amount so allotted
19 to any State from such remainder is less than \$5,000, it
20 shall be increased to that amount, with the amounts so
21 allotted to other States being proportionately reduced.

22 PAYMENTS TO STATES; EXPENDITURES COVERED

23 SEC. 103. (a) From the total allotted to a State for a
24 fiscal year under section 102, the Commissioner shall from

1 time to time pay to such State an amount equal to one-half
2 of the expenditures for such year under the State plan ap-
3 proved under section 104—

4 (1) for testing of students in public or other non-
5 profit elementary or secondary schools to determine their
6 aptitudes and abilities, and for maintaining, for students
7 in public elementary or secondary schools, cumulative
8 records of the results of such tests and other information
9 pertinent to the educational progress of the students,

10 (2) (A) for salaries of additional supervisors of
11 counseling and guidance personnel, (B) for counseling
12 and guidance training, either directly or through public
13 or other nonprofit institutions, of persons who are em-
14 ployed full time or part time by the State educational
15 agency or a local educational agency in counseling and
16 guidance of students in public secondary schools, or who
17 are preparing for such employment, and (C) for
18 salaries of additional counseling and guidance personnel,
19 and

20 (3) for the necessary cost of administering the
21 State plan.

22 For purposes of this section and section 104, the term,
23 “counseling and guidance personnel” includes only those
24 who are exclusively or principally engaged in counseling

1 and guidance of students in public secondary schools and
2 who meet the requirements for full, regular, or standard
3 certification by the State for engaging in such work.

4 (b) In any State which has a State plan approved
5 under section 104 and in which the State educational agency
6 is not authorized by law to make payments to cover the
7 cost of testing students in any one or more nonprofit private
8 schools to determine student abilities and aptitudes, the
9 Commissioner shall reserve from the amount allotted to such
10 State under section 102 for a fiscal year an amount equal
11 to \$1.25 multiplied by the number of students enrolled in
12 grades 9, 10, 11, and 12 in such schools. The amount so
13 reserved shall be available, if students in public schools in
14 such State are tested during such year under the State plan
15 approved under section 104, exclusively for payment of
16 one-half of the expenditures incurred for such year in the
17 testing of students in such private schools, except that
18 such payment, in the case of any school for any year, may
19 not exceed \$1.25 multiplied by the number of students in
20 such school enrolled, during the year of the testing, in grades
21 9, 10, 11, and 12. The Commissioner shall make arrange-
22 ments for such testing which shall, so far as practicable,
23 be comparable to, and be done at the same grade levels
24 and under the same conditions as in the case of, testing of
25 students in public schools under the State plan.

1 STATE PLANS

2 SEC. 104. The Commissioner shall approve a State plan
3 for testing and counseling and guidance of high-school
4 students which—

5 (a) provides for administration of the plan by the
6 State educational agency;

7 (b) sets forth the State's programs and methods for
8 the testing of students (which shall include provision for
9 the testing during each year of at least (1) all students
10 in grade 9 or all students in a lower grade, and (2) all
11 students in grade 11 or all students in grade 12), for
12 the maintenance of testing and other student records,
13 and for strengthening counseling and guidance of
14 students;

15 (c) sets forth minimum qualifications for counsel-
16 ing and guidance personnel;

17 (d) provides such accounting, budgeting, and other
18 fiscal methods and procedures as are necessary for the
19 proper and efficient administration of the plan; and

20 (e) provides that the State educational agency will
21 make such reports to the Commissioner, in such form and
22 containing such information, as are reasonably necessary
23 to enable the Commissioner to perform his functions
24 under this part.

1 COUNSELING AND GUIDANCE TRAINING INSTITUTES

2 SEC. 105. There are hereby authorized to be appro-
3 priated for the fiscal year ending June 30, 1959, and each
4 of the three succeeding fiscal years, such sums as the Con-
5 gress may determine, to enable the Commissioner of Educa-
6 tion to arrange, by grants to or contracts with institutions
7 of higher education, for the operation by them of short-term
8 and regular session institutes for the provision of training
9 to improve the qualifications of personnel engaged in counsel-
10 ing and guidance of students in public or other nonprofit
11 secondary schools, and for payment of stipends to such per-
12 sonnel while attending such institutes, including allowances
13 for dependents and for travel to and from their places of
14 residence.

15 PART B—UNDERGRADUATE SCHOLARSHIPS

16 AUTHORIZATION OF APPROPRIATIONS

17 SEC. 121. In order to provide an incentive to able stu-
18 dents, who need financial assistance therefor, to continue their
19 education at institutions of higher education and thereby in-
20 crease the Nation's supply of manpower trained at such insti-
21 tutions, there are hereby authorized to be appropriated for
22 scholarships for the fiscal year ending June 30, 1959, the
23 sum of \$7,500,000; for the fiscal year ending June 30, 1960,
24 the sum of \$15,000,000; for the fiscal year ending June 30,

1 1961, the sum of \$22,500,000; for the fiscal year ending
2 June 30, 1962, the sum of \$30,000,000; and for each of the
3 three succeeding fiscal years such sums as may be necessary to
4 continue scholarships for persons receiving scholarship pay-
5 ments from the appropriations for a prior year.

6 ALLOTMENTS

7 SEC. 122. (a) The Commissioner shall for the fiscal year
8 ending June 30, 1959, allot the sums appropriated for such
9 year under section 121 among the States on the basis of their
10 relative numbers of graduates from public or other nonprofit
11 secondary schools, as determined by the Commissioner for
12 such year for each State on the basis of the number of grad-
13 uates from such schools in such State for the most recent year
14 for which satisfactory data for such State are available to him.
15 For purposes of this section, a graduate is an individual who
16 meets the requirements of section 124 (a) (2) (A).

17 (b) The Commissioner shall for each of the three suc-
18 ceeding fiscal years estimate the total sum from the appro-
19 priation under section 121 for such year which is necessary
20 for making payments to individuals who have previously
21 received scholarship payments. He shall, in accordance with
22 regulations prescribed by him, allot such sum among the
23 States on the basis of (1) the aggregate amount paid from
24 the appropriation for the preceding fiscal year to recipients

1 of scholarships from each State, and (2) his estimate of
2 changes in the number of such individuals from each State
3 who will be eligible for continuing payments.

4 (c) The remainder of such appropriation for the fiscal
5 year ending June 30, 1960, or any of the two succeeding
6 fiscal years, shall be allotted among the States by the Com-
7 missioner on the same basis as is provided in subsection (a)
8 of this section. The total appropriation under section 121
9 for the fiscal year ending June 30, 1963, and each of the
10 two succeeding fiscal years, shall be allotted by the Com-
11 missioner among the States on the same basis as is provided
12 in subsection (b) of this section.

13 (d) The amount allotted pursuant to subsection (a) or
14 the first sentence of subsection (c) shall be available for
15 payments to individuals awarded scholarships who have not
16 received such payments from the appropriation for any prior
17 year. The amount allotted under subsection (b) or the
18 second sentence of subsection (c) shall be available for pay-
19 ments to individuals who have received such payments from
20 the appropriation for a prior year.

21 STATE COMMISSIONS AND PLANS

22 SEC. 123. (a) There are hereby authorized to be appro-
23 priated for the fiscal year ending June 30, 1959, and each
24 of the six succeeding fiscal years, such sums as the Congress
25 may determine, for payment to the States of one-half of

1 the necessary cost of administering State plans approved
2 under this part.

3 (b) Any State desiring to participate in the administra-
4 tion of the scholarship program under this part may do so
5 by establishing a State commission on Federal scholarships
6 or designating an existing agency of the State to serve as
7 the State commission on Federal scholarships, and by sub-
8 mitting, through such commission, a State plan for carry-
9 ing out the purposes of this part which is approved by the
10 Commissioner under this section. The Commissioner shall
11 approve any such plan which—

12 (1) provides that it shall be administered by the
13 State commission on Federal scholarships (hereinafter
14 in this part referred to as the "State commission") ;

15 (2) provides for the selection of individuals to re-
16 ceive scholarships from among eligible applicants there-
17 for, and for determination of the amount of such scholar-
18 ships, in accordance with standards, procedures, and
19 criteria, established by the State commission, which the
20 Commissioner finds provide reasonable assurance (A)
21 that, except as provided pursuant to clauses (B) and
22 (C) hereof, selection of individuals to receive scholar-
23 ships under this part will be based on ability to pursue
24 successfully, at an institution of higher education, a

1 course of study leading to a bachelor's degree, deter-
2 mined after taking into account the results of tests and
3 other evidence of ability collected pursuant to the State
4 plan (if any) approved under section 104, (B) that
5 preference will be given in the selection of such indi-
6 viduals to those with good preparation in or high apti-
7 tude for mathematics or science, (C) (i) that only in-
8 dividuals who need financial assistance to continue their
9 education at institutions of higher education will be
10 selected for scholarships, which need shall be determined
11 without regard to the tuition, fees, and other expenses
12 of attendance at the institution of higher education
13 chosen by the individual, (ii) that the amount of each
14 individual's scholarship each year will be based on his
15 financial need, also determined without regard to such
16 tuition, fees, and other expenses, and (iii) that the
17 maximum scholarship allowable under the plan shall be
18 \$1,000, and (D) that any eligible applicant who is not
19 living in any State is provided a reasonable opportunity
20 to be selected for a scholarship;

21 (3) provides for certification to the Commissioner
22 of (A) individuals selected pursuant to the State plan
23 for scholarships and the amount thereof, and (B) the
24 financial need of individuals previously awarded such
25 scholarships (and the amount of their scholarships), as

1 determined in accordance with the State standards,
2 procedures, and criteria established as provided in sub-
3 paragraph (2) ;

4 (4) provides such accounting, budgeting, and other
5 fiscal methods and procedures as are necessary for the
6 proper and efficient administration of the State plan;
7 and

8 (5) provides for the making of such reports, in
9 such form and containing such information, as are rea-
10 sonably necessary to enable the Commissioner to per-
11 form his functions under this part.

12 (c) In connection with his review of a State plan sub-
13 mitted for approval pursuant to this section and his approval
14 thereof, the Commissioner shall provide technical assistance
15 and advice to the State for the purpose of promoting effective
16 coordination between the State's scholarship program under
17 this part and the testing and counseling and guidance pro-
18 grams of the State.

19 ELIGIBILITY FOR AND AWARD OF SCHOLARSHIPS

20 SEC. 124. (a) An individual shall be eligible to apply
21 for a scholarship in any State if he (1) is living in such
22 State or, if not living in any State, is domiciled in such State,
23 and (2) (A) holds a certificate of graduation, based on com-
24 pletion of the twelfth grade, from any secondary school
25 whose graduates meet the requirements established by the

1 State for graduation from secondary schools accredited by
2 the State in which such school is located, or (B) in the
3 case of an individual who does not hold such a certificate,
4 is determined by the State commission for the State in which
5 he is living (or, if not living in any State, for the State in
6 which he is domiciled) to have attained a level of advance-
7 ment generally accepted as constituting the equivalent of
8 that required for graduation from such a secondary school.

9 (b) Within the limits of a State's allotment under sub-
10 section (a) of section 122, or under the first sentence of sub-
11 section (c) of such section, for a fiscal year and subject to
12 the provisions of such subsection, the Commissioner shall
13 award scholarships to individuals certified to him by the State
14 commission of the State as having been selected therefor in
15 accordance with the State plan approved under section 123.
16 Applicants selected for scholarships pursuant to such plan,
17 and applicants who, on the basis of ability, were rated above
18 the last applicant receiving a scholarship and who failed to
19 receive one solely because of their lack of need for financial
20 assistance to continue their education at institutions of higher
21 education, shall be awarded appropriate certificates by the
22 Commissioner.

1 DURATION OF SCHOLARSHIPS

2 SEC. 125. (a) A scholarship awarded under this title
3 shall be for the period, not in excess of four academic years,
4 required for the recipient to complete the work for his
5 first bachelor's degree.

6 (b) An individual to whom a scholarship has been
7 awarded shall continue to receive payments in the amounts
8 and for the periods of time authorized under the preceding
9 provisions of this part only—

10 (1) if and to the extent the State commission by
11 which he was selected finds him to be in financial need,
12 as determined annually in accordance with the State
13 plan approved under section 123, and

14 (2) if the Commissioner finds that he is enrolled
15 in an institution of higher education and devotes himself
16 as a full-time student to educational work in attend-
17 ance at such institution and maintains satisfactory stand-
18 ing there, except that failure to be in attendance at an
19 institution during vacation periods, or, for good and suffi-
20 cient reasons determined in accordance with regulations
21 of the Commissioner, for such other periods as may be
22 permitted in such regulations (during which periods he

1 shall receive no stipend payments) , shall not be deemed
2 contrary to the provisions of this subparagraph.

3 ADJUSTMENT FOR OTHER FEDERAL EDUCATIONAL
4 ASSISTANCE

5 SEC. 126. The Commissioner shall by regulation, pre-
6 scribed after consultation with the other Federal agency or
7 agencies concerned, provide for such adjustment (including,
8 where appropriate, total withholding) of scholarship pay-
9 ments under this part as may be necessary to avoid dupli-
10 cation of educational assistance received under programs
11 administered by such agencies.

12 SELECTION OF INSTITUTION

13 SEC. 127. An individual awarded a scholarship under
14 this part may attend any institution of higher education
15 which admits him.

16 PAYMENT OF SCHOLARSHIPS

17 SEC. 128. The Commissioner shall from time to time
18 arrange for the payment of the amounts due recipients of
19 scholarships under this part, in such installments as he may
20 determine.

1 TITLE II—GRANTS TO STATES FOR STRENGTH-
2 ENING SCIENCE OR MATHEMATICS INSTRUCC-
3 TION IN PUBLIC SCHOOLS

4 PART A—STRENGTHENING SUPERVISORY, TEACHER-TRAIN-
5 ING, AND RELATED ACTIVITIES OF STATE EDUCA-
6 TIONAL AGENCIES

7 AUTHORIZATION OF APPROPRIATIONS

8 SEC. 201. For the purpose of assisting State educational
9 agencies to strengthen their supervisory, teacher-training,
10 and related activities in support of science or mathematics
11 instruction in public elementary or secondary schools there
12 are hereby authorized to be appropriated, for grants to States
13 for such purpose, for the fiscal year ending June 30, 1959,
14 and the three succeeding fiscal years, not to exceed \$15,000,-
15 000 annually.

16 ALLOTMENTS

17 SEC. 202. The sums appropriated pursuant to section
18 201 for any fiscal year shall be allotted by the Commissioner
19 among the States on the basis of their relative numbers of
20 students enrolled in grades 1 to 12, both inclusive, in public

1 schools; except that if the amount so allotted to any State
2 is less than \$5,000 it shall be increased to that amount, with
3 the amounts so allotted to other States being proportionately
4 reduced.

5 PAYMENTS TO STATES

6 SEC. 203. From each State's allotment for a fiscal year
7 under section 202, the Commissioner shall from time to time
8 pay to such State an amount equal to one-half of the expendi-
9 tures for such year under the expansion or improvement
10 programs included in the State plan approved under section
11 204, plus one-half of the necessary cost of administering the
12 State plan for such year.

13 STATE PLANS

14 SEC. 204. The Commissioner shall approve, for the
15 purposes of this title, a State plan which—

16 (a) provides for administration of the plan by the
17 State educational agency;

18 (b) sets forth the expansion or improvement pro-
19 grams to be carried on under the State plan, which shall
20 include programs for expansion or improvement—

21 (1) of supervision by the State educational
22 agency of instruction in science and mathematics
23 in public elementary or secondary schools,

24 (2) of studies and demonstrations designed to
25 modernize science or mathematics curricula, in-

1 instructional materials, and classroom or laboratory
2 equipment in public elementary or secondary
3 schools, and

4 (3) of preservice undergraduate teacher-
5 training in science and mathematics and training to
6 improve the qualifications to teach such subjects of
7 persons engaged, in public elementary or secondary
8 schools, in teaching science or mathematics,
9 and which may include programs for expansion or im-
10 provement of other activities of the State educational
11 agency in support of science or mathematics instruction
12 in public elementary or secondary schools;

13 (c) shows the methods for carrying out such
14 programs;

15 (d) provides such accounting, budgeting, and other
16 fiscal methods and procedures as are necessary for the
17 proper and efficient administration of the State plan;
18 and

19 (e) provides that the State educational agency
20 will make such reports to the Commissioner, in such
21 form and containing such information, as are reasonably
22 necessary to enable the Commissioner to perform his
23 functions under this title.

24 For purposes of this subsection, only that portion of an

1 existing program which the Commissioner finds is an addi-
2 tion to or expansion of such program shall be deemed to be
3 an expansion or improvement program.

4 PART B—STRENGTHENING SCIENCE OR MATHEMATICS

5 INSTRUCTION IN PUBLIC SECONDARY SCHOOLS

6 AUTHORIZATION OF APPROPRIATIONS

7 SEC. 221. For the purpose of assisting local educational
8 agencies to expand and improve science or mathematics in-
9 struction in their public secondary schools, there are hereby
10 authorized to be appropriated, for grants to States for such
11 purpose, for the fiscal year ending June 30, 1959, and the
12 three succeeding fiscal years, not to exceed \$150,000,000
13 annually.

14 ALLOTMENTS

15 SEC. 222. The sums appropriated pursuant to section
16 221 for any fiscal year shall be allotted by the Commissioner
17 among the States on the basis of their relative numbers of
18 students enrolled in grades 9, 10, 11, and 12 in public
19 schools.

20 PAYMENTS TO STATES

21 SEC. 223. (a) From a State's allotment for a fiscal
22 year under section 222, the Commissioner shall from time to
23 time pay to such State an amount equal to one-half of the
24 expenditures for such year under programs of local educa-

1 tional agencies approved by the State educational agency
2 under the State plan approved under section 204.

3 (b) Payments may be made under subsection (a) with
4 respect to any program of a local educational agency in any
5 State only if—

6 (1) such State has a State plan approved under
7 section 204;

8 (2) such plan sets forth minimum qualifications
9 for science or mathematics teachers and requires such
10 qualifications to be met by any teacher whose compensa-
11 tion is paid or increased under such a program; and

12 (3) such plan sets forth criteria, standards, and
13 procedures to be followed by the State educational
14 agency in approving programs of local educational
15 agencies for—

16 (A) the employment of additional qualified
17 science or mathematics teachers,

18 (B) increasing the rate of compensation for
19 science or mathematics teachers or increasing the
20 amount of their compensation to reflect additional
21 work, but not counting, for purposes of this part,
22 any increase (i) paid prior to approval, under the
23 State plan approved under section 204, of the pro-
24 gram under which it is paid, or (ii) paid pursuant

1 to any law or other provision in effect prior to
2 July 1, 1958,

3 (C) provision of laboratory and related special
4 equipment necessary for teaching science or mathe-
5 matics, and minor remodeling of laboratory or other
6 space used for such equipment, or

7 (D) expanding or improving science or mathe-
8 matics teaching in public secondary schools through
9 any activities or expenditures not involving salaries
10 of science or mathematics teachers, provision of
11 equipment, or capital outlay (but for purposes of
12 this subparagraph, only that portion of an existing
13 program which the State educational agency finds
14 is an addition to or expansion of such program shall
15 be deemed to be a program for expanding or im-
16 proving science or mathematics teaching in public
17 secondary schools).

18 For purposes of this section and section 204, the term
19 "science or mathematics teacher" means a teacher who is
20 exclusively or principally engaged in teaching science or
21 mathematics in public secondary schools or in supervising
22 such teachers in public elementary or secondary schools.

1 TITLE III—FOREIGN LANGUAGE DEVELOPMENT

2 FOREIGN LANGUAGE INSTITUTES

3 SEC. 301. (a) The Commissioner is authorized to ar-
4 range, through grants to or contracts with institutions of
5 higher education, for the operation by them, during the period
6 beginning July 1, 1958, and ending with the close of June
7 30, 1962, of short-term and regular session institutes for ad-
8 vanced training, particularly in the use of new teaching meth-
9 ods and instructional materials, for individuals who are en-
10 gaged in or preparing to engage in the teaching, or
11 supervising or training teachers, of any modern foreign
12 language in public or other nonprofit elementary or secondary
13 schools or in institutions of higher education.

14 (b) A grant or contract pursuant to this section may
15 cover all or any part of the cost of the institute with respect
16 to which it is made, and may be made on such conditions as
17 the Commissioner finds necessary to carry out the purposes of
18 this section.

19 (c) The Commissioner is also authorized during the pe-
20 riod beginning July 1, 1958, and ending with the close of
21 June 30, 1962, to pay stipends to individuals attending any

1 institute established under this section, including allowances
2 for dependents and for travel to and from their places of resi-
3 dence.

4 FOREIGN LANGUAGE CENTERS

5 SEC. 302. (a) The Commissioner is authorized, through
6 grants to or contracts with institutions of higher education,
7 to assist such institutions, during the period beginning July
8 1, 1958, and ending with the close of June 30, 1962, in
9 the establishment and operation of centers for the teaching
10 of any foreign language with respect to which the Commis-
11 sioner determines (1) that individuals trained in such lan-
12 guage are needed by the Federal Government or by busi-
13 ness, industry, or education in the United States, and (2)
14 that adequate instruction in such language is not readily
15 available in the United States. Any such grant or contract
16 may cover not more than 50 per centum of the cost of such
17 establishment and operation and shall be made on such
18 conditions as the Commissioner finds necessary to carry out
19 the purposes of this section.

20 (b) The Commissioner is also authorized, during the
21 period beginning July 1, 1958, and ending with the close
22 of June 30, 1962, to pay stipends to individuals undergoing
23 advanced training in any foreign language (with respect
24 to which he makes the determination under clause (1) of
25 subsection (a)) at any short-term or regular session of any

1 institution of higher education, including allowances for
2 dependents and for travel to and from their places of resi-
3 dence, but only upon reasonable assurance that the recipi-
4 ents of such stipends will, on completion of their training,
5 be available for teaching a foreign language in an institution
6 of higher education.

7 RESEARCH AND STUDIES

8 SEC. 303. The Commissioner is authorized, directly or
9 by contract, to make studies and surveys to determine the
10 need for increased or improved training in foreign languages,
11 to conduct research on more effective methods of teaching
12 foreign languages, and to develop specialized materials for
13 use in the teaching of foreign languages or in training
14 teachers thereof.

15 NATIONAL ADVISORY COMMITTEE ON FOREIGN LANGUAGES

16 SEC. 304. (a) There is hereby established a National
17 Advisory Committee on Foreign Languages, consisting of
18 twelve members appointed, without regard to the civil-
19 service laws, by the Commissioner with the approval of the
20 Secretary of Health, Education, and Welfare. The mem-
21 bers shall be selected so as to provide a broad representation
22 from among persons who are recognized for their knowledge
23 or interest in various foreign languages, institutions of higher
24 education engaged in teaching foreign languages or training
25 teachers thereof, and the general public. The Committee

1 shall annually select one of its members to serve as
2 Chairman.

3 (b) Members of the Committee, while attending con-
4 ferences or meetings of the Committee, shall be entitled to
5 receive compensation at a rate to be fixed by the Secretary
6 of Health, Education, and Welfare but not exceeding \$50
7 per diem, and while away from their homes or regular places
8 of business they may be allowed travel expenses, including
9 per diem in lieu of subsistence, as authorized by law for
10 persons in the Government service employed intermittently.

11 (c) The Committee shall advise, consult with, and
12 make recommendations to the Commissioner on matters of
13 policy or general administration under this title.

14 TITLE IV—EXPANSION OF GRADUATE

15 EDUCATION

16 GRANTS AUTHORIZED

17 SEC. 401. For the purpose of assisting institutions of
18 higher education to establish new or expand existing pro-
19 grams of graduate education, there are hereby authorized
20 to be appropriated for the fiscal year ending June 30, 1959,
21 and each of the five succeeding fiscal years, for grants to
22 such institutions, such sums as the Congress may determine.

23 ELIGIBLE PROGRAMS

24 SEC. 402. Grants under this title may be made by the
25 Commissioner only with respect to a program of graduate

1 education (1) which is for students who have been awarded
2 a bachelor's or master's degree or a professional degree, and
3 (2) which leads to a degree of doctor of philosophy or an
4 equivalent degree.

5 AMOUNT AND CONDITIONS OF PAYMENTS

6 SEC. 403. (a) Grants under this title may be made by
7 the Commissioner on such conditions as he finds necessary
8 to carry out the purposes of this title. Any such grant to an
9 institution may not exceed (1) (A) one-half of the cost of
10 salaries of additional faculty members needed for new pro-
11 grams or the expansion of existing programs and of increases
12 in salaries of existing faculty members to reflect additional
13 duties occasioned by such new programs or the expansion of
14 existing programs, and other costs attributable to the estab-
15 lishment of new programs or the expansion of existing pro-
16 grams, including overhead costs and costs of equipment, or
17 (B) if the institution so elects with respect to a graduate
18 program, an amount equal to \$500 multiplied by the number
19 of fellowships in such program awarded pursuant to this
20 section, and (2) the cost of fellowships for graduate students
21 enrolled in a new graduate program or whose enrollment con-
22 stitutes an increase in enrollment in a graduate program.
23 Such fellowships, including allowances for dependents, shall
24 be in such amounts as may be permitted in regulations of

1 the Commissioner; shall be awarded annually by the insti-
2 tution, under criteria which are approved by the Commis-
3 sioner and provide preference for individuals who are inter-
4 ested in teaching in institutions of higher education, and shall
5 be renewable to the extent necessary to enable the recipient
6 to secure the degree awarded at the completion of the course
7 of study of the graduate program involved.

8 (b) Notwithstanding the preceding provisions of this
9 section (1) no fellowships may be for more than three aca-
10 demic years, (2) no fellowship may be awarded for a
11 course of study beginning after June 30, 1962, or extend-
12 ing beyond June 30, 1964, (3) the total of the payments
13 to any institution to cover the costs described in clause (1)
14 of subsection (a) for any fiscal year may not exceed
15 \$125,000, and (4) payments of the amounts referred to
16 in clause (1) of subsection (a) may not be made for any
17 period after June 30, 1962.

18 NATIONAL ADVISORY COMMITTEE ON GRADUATE
19 EDUCATION

20 SEC. 404. (a) There is hereby established a National
21 Advisory Committee on Graduate Education, consisting of
22 twelve members appointed, without regard to the civil-service
23 laws, by the Commissioner with the approval of the Secre-
24 tary of Health, Education, and Welfare. The members shall
25 be selected so as to provide a broad representation from

1 among various graduate fields, institutions of higher edu-
2 cation with programs of graduate education, and the general
3 public. The Committee shall annually elect one of its mem-
4 bers to serve as chairman.

5 (b) Members of the Committee, while attending con-
6 ferences or meetings of the Committee, shall be entitled to
7 receive compensation at a rate to be fixed by the Secretary
8 of Health, Education, and Welfare, but not exceeding \$50
9 per diem, and while away from their homes or regular places
10 of business they may be allowed travel expenses, including
11 per diem in lieu of subsistence, as authorized by law for
12 persons in the Government service employed intermittently.

13 (c) The Committee shall advise, consult with, and make
14 recommendations to the Commissioner on matters of policy or
15 general administration under this title.

16 TITLE V—GENERAL PROVISIONS

17 IMPROVEMENT OF STATISTICAL SERVICES OF STATE EDU- 18 CATIONAL AGENCIES

19 SEC. 501. (a) For the purpose of assisting the States
20 to improve and strengthen the adequacy and reliability of
21 educational statistics provided by State and local reports and
22 records and the methods and techniques for collecting and
23 processing educational data and disseminating information
24 about the condition and progress of education in the States,
25 there are hereby authorized to be appropriated for the fiscal

1 year ending June 30, 1959, and each of the three succeeding
2 fiscal years, for grants to States under this section, such sums
3 as the Congress may determine.

4 (b) Grants under this section by the Commissioner shall
5 be equal to one-half of the cost of State educational agency
6 programs to carry out the purposes of this section, including
7 (1) improving the collection, analysis, and reporting of
8 statistical data supplied by local educational units, (2) the
9 development of accounting and reporting manuals to serve
10 as guides for local educational units, (3) the conduct of
11 conferences and training for personnel of local educational
12 units and of periodic reviews and evaluation of the program
13 for records and reports, (4) improving methods for ob-
14 taining, from other State agencies within the State, edu-
15 cational data not collected by the State educational agency,
16 or (5) expediting the processing and reporting of statistical
17 data through installation and operation of mechanical equip-
18 ment. The total of the payments to any State under this
19 section for any fiscal year may not exceed \$50,000.

20 (c) Payments with respect to any program of a State
21 educational agency under this section may be made (1) only
22 to the extent it is a new program or an addition to or ex-
23 pansion of an existing program, (2) only if the State has
24 provided reasonable assurance that the State educational
25 agency will comply with requests of the Commissioner for

1 information required in the conduct of surveys or studies
2 of the Office of Education, and (3) on such conditions as the
3 Commissioner finds necessary to carry out the purposes of
4 this section.

5 WITHHOLDING OF FUNDS AND JUDICIAL REVIEW

6 SEC. 502. (a) Whenever the Commissioner, after rea-
7 sonable notice and opportunity for hearing to a State educa-
8 tional agency (or State commission in the case of part B of
9 title I), finds that—

10 (1) the State plan of such State, approved as com-
11 plying with the requirements of section 104, 123, or
12 204, as the case may be, has been so changed that it
13 no longer complies with such requirements (or the re-
14 quirements of section 223 (b) in the case of the plan
15 approved under section 204), or

16 (2) in the administration of the plan there is a
17 failure to comply substantially with any such require-
18 ment,

19 the Commissioner shall notify such State agency (or State
20 commission) that no further payments will be made to the
21 State under part A of title I in case of failure to comply
22 with any requirement of section 104, under part B of title
23 I in case of failure to comply with any requirement of sec-
24 tion 123, under title II in case of a failure to comply with
25 any requirement of section 204, or under part B of title II

1 in case of failure to comply with any requirement of section
2 223 (b) (or, in his discretion, that further payments will
3 not be made to the State for programs under or portions of
4 the State plan affected by such failure), until he is satisfied
5 that there will no longer be any such failure. Until he is
6 so satisfied the Commissioner shall make no further pay-
7 ments to such State under such title or part, as the case may
8 be (or shall limit payments to programs under or portions
9 of the State plan in which there is no such failure).

10 (b) (1) If any State is dissatisfied with the Commis-
11 sioner's action under subsection (a), such State may appeal
12 to the United States court of appeals for the circuit in which
13 such State is located. The summons and notice of appeal
14 may be served at any place in the United States.

15 (2) The findings of fact by the Commissioner, unless
16 substantially contrary to the weight of the evidence, shall be
17 conclusive, but the court, for good cause shown, may remand
18 the case to the Commissioner to take further evidence, and
19 the Commissioner may thereupon make new or modified
20 findings of fact and may modify his previous action. Such
21 new or modified findings of fact shall likewise be conclusive
22 unless substantially contrary to the weight of the evidence.

23 (3) The court shall have jurisdiction to affirm the ac-
24 tion of the Commissioner or to set it aside, in whole or in
25 part. The judgment of the court shall be subject to review

1 by the Supreme Court of the United States upon certiorari
2 or certification as provided in title 28, United States Code,
3 section 1254.

4 UTILIZATION OF OTHER AGENCIES

5 SEC. 503. In administering the provisions of this Act,
6 the Commissioner is authorized to utilize (and pay for) the
7 services and facilities of any agency of the Federal Govern-
8 ment or of any other public or nonprofit agency or institution,
9 in accordance with agreements between the Secretary of
10 Health, Education, and Welfare and the head thereof.

11 PAYMENT PROCEDURE

12 SEC. 504. Payments under this Act to any State, State
13 or Federal agency, institution, or other organization pursuant
14 to a grant or contract may be made by the Commissioner in
15 installments, and in advance or by way of reimbursement,
16 and, in the case of grants, with necessary adjustments on ac-
17 count of overpayments or underpayments.

18 DELEGATION OF COMMISSIONER'S FUNCTIONS

19 SEC. 505. The Commissioner is authorized to delegate
20 any of his functions under this Act, except the making of reg-
21 ulations, to any officer or employee of the Office of Education.

22 STUDIES AND TECHNICAL ASSISTANCE

23 SEC. 506. The Commissioner is authorized to make
24 studies, investigations, demonstrations, and reports which will
25 aid in carrying out the purposes of this Act or are related

1 thereto, and to disseminate information thereon, and to co-
2 operate with and render technical assistance to States and
3 public or other nonprofit organizations and institutions in
4 matters related to the purposes of this Act, including assist-
5 ance to State commissions on Federal scholarships in the dis-
6 charge of their responsibilities under section 123 (b) (2)
7 (D).

8 ADMINISTRATION

9 SEC. 507. (a) There are hereby authorized to be ap-
10 propriated for each fiscal year to the Department of Health,
11 Education, and Welfare such sums as may be necessary for
12 administration of this Act.

13 (b) The Secretary of Health, Education, and Welfare
14 is authorized, subject to the procedures prescribed by section
15 505 of the Classification Act of 1949 (5 U. S. C. 1105), to
16 place a total of ten positions in the Office of Education in
17 grades 16, 17, and 18 of the General Schedule. Such posi-
18 tions shall be in addition to the number of positions author-
19 ized to be placed in such grades by subsection (b) of such
20 section 505.

21 COOPERATION BETWEEN FEDERAL AGENCIES

22 SEC. 508. (a) The Secretary of Health, Education, and
23 Welfare shall consult and cooperate with the heads of other
24 Federal departments and agencies which administer pro-
25 grams of student-aid or of assistance to or utilization of insti-

1 tutions of higher education for training or other educational
2 purposes, with a view to the better interchange between
3 such agencies of information concerning their respective
4 programs and the development of policies and procedures
5 which will strengthen the educational programs and objec-
6 tives of such institutions.

7 (b) Any agency of the Federal Government shall exer-
8 cise its functions under any other law in such manner as
9 will assist in carrying out the objectives of this Act. Noth-
10 ing in this Act shall be construed as superseding or limiting
11 the authority of this or any other agency of the Federal
12 Government under any other law.

13 REPORT BY COMMISSIONER

14 SEC. 509. The Commissioner shall include in his annual
15 report a full report of the activities under this Act.

16 EXEMPTION FROM CONFLICT-OF-INTEREST LAWS OF MEM-
17 BERS OF ADVISORY COMMITTEES

18 SEC. 510. (a) Any member of an advisory committee
19 appointed under this Act is hereby exempted, with respect
20 to such appointment, from the operation of sections 281, 283,
21 284, and 1914 of title 18 of the United States Code, and
22 section 190 of the Revised Statutes (5 U. S. C. 99), except
23 as otherwise specified in subsection (b) of this section.

24 (b) The exemption granted by subsection (a) shall not
25 extend—

1 (1) to the receipt or payment of salary in connec-
2 tion with the appointee's Government service from any
3 source other than the private employer of the appointee
4 at the time of his appointment, or

5 (2) during the period of such appointment, and the
6 further period of two years after the termination thereof,
7 to the prosecution or participation in the prosecution, by
8 any person so appointed, of any claim against the Gov-
9 ernment involving any matter concerning which the ap-
10 pointee had any responsibility arising out of his appoint-
11 ment during the period of such appointment.

12 DEFINITIONS

13 SEC. 511. For the purposes of this Act—

14 (a) The term "Commissioner" means the (United
15 States) Commissioner of Education.

16 (b) The term "State" includes Alaska, Hawaii, Puerto
17 Rico, Guam, the Virgin Islands, and the District of Columbia.

18 (c) The term "State educational agency" means the
19 State board of education or other agency primarily respon-
20 sible for the State supervision of public elementary or
21 secondary schools.

22 (d) The term "local educational agency" means a board
23 of education or other legally constituted local school authority
24 having administrative control and direction of public ele-
25 mentary or secondary schools in a city, county, township,

1 school district, or political subdivision in a State. Such term
2 includes any State agency which directly operates and
3 maintains public elementary or secondary schools.

4 (e) The term "institution of higher education" means
5 an educational institution in any State which (1) admits
6 as regular students only persons having a certificate of grad-
7 uation from a school providing secondary education, or the
8 recognized equivalent of such a certificate, (2) is legally
9 authorized within such State to provide a program of educa-
10 tion beyond secondary education, (3) provides an educa-
11 tional program for which it awards a bachelor's degree or
12 provides not less than a two-year program which is accept-
13 able for full credit toward such a degree, (4) is a public or
14 other nonprofit institution, and (5) is accredited by a na-
15 tionally recognized accrediting agency or association or, if
16 not so accredited, is an institution whose credits are accepted,
17 on transfer, by not less than three institutions which are so
18 accredited, for credit on the same basis as if transferred
19 from an institution so accredited. For purposes of part B
20 of title I and section 302 (b), such term includes an institu-
21 tion, not located in any State, which the Commissioner
22 determines to be substantially comparable to an institution
23 which comes within the preceding provisions of this subsec-
24 tion. For purposes of this subsection, the Commissioner
25 shall publish a list of nationally recognized accrediting agen-

1 cies and associations which he determines to be reliable
2 authority as to the quality of training offered.

3 (f) The number of individuals "enrolled" in any grades
4 or schools for any year means the number of individuals who
5 are entered in such grades and schools, respectively, at some
6 time during such year and were not previously entered
7 during such year in a different grade and school, respectively,
8 in the same State, and such numbers of individuals enrolled
9 shall be determined for the State on the basis of data for the
10 most recent year for which satisfactory data for such State
11 are available to the Commissioner.

12 (g) The term "elementary school" means a school
13 which provides elementary education, as determined under
14 State law.

15 (h) The term "secondary school" means a school which
16 provides secondary education, as determined under State
17 law, except that for purposes of part B of title II it does not
18 include any education provided beyond grade 12.

19 (i) The term "nonprofit", as applied to a school or
20 institution, means a school or institution owned and operated
21 by one or more nonprofit corporations or associations no
22 part of the net earnings of which inures, or may lawfully
23 inure, to the benefit of any private shareholder or individual,
24 and, for purposes of part A of title I, includes a school of
25 any agency of the United States.

37 .

1 (j) The term "public" as applied to any school or
2 institution does not include a school or institution of any
3 agency of the United States.

85TH CONGRESS
2d Session

S. 3163

A BILL

To encourage and assist in the expansion and improvement of educational programs to meet critical national needs through the early identification of student aptitudes, strengthening of counseling and guidance services in public high schools, provision of scholarships for able students needing assistance to continue their education beyond high school; strengthening of science and mathematics instruction in the public schools; expansion of graduate programs in colleges and universities, including fellowships; improvement and expansion of modern foreign language teaching; improving State educational records and statistics; and for other purposes.

By **Mr. SMITH** of New Jersey, **Mr. ALLOTT**, **Mr. BUSH**, **Mr. CASE** of New Jersey, **Mr. COOPER**, **Mr. IVES**, **Mr. PAYNE**, **Mr. PURTELL**, **Mr. THYE**, **Mr. JAVITS**, and **Mr. WILEY**

JANUARY 28 (legislative day, JANUARY 27), 1958
Read twice and referred to the Committee on Labor
and Public Welfare